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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,374	11/30/2000	Sushil K. Garg	72475/06378	5241

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TUCKER, ELLIS & WEST LLP
1150 HUNTINGTON BUILDING
925 EUCLID AVENUE
CLEVELAND, OH 44115-1475

EXAMINER

COLON, CATHERINE M

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,374

Applicant(s)

GARG, SUSHIL K.

Examiner

C. Michelle Colon

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Non-Final Office Action in response to the communication received on November 30, 2000. Claims 1-3 are now pending in this application.

Information Disclosure Statement

2. The examiner has reviewed the patents supplied in the Information Disclosure Statement (IDS) provided on May 23, 2001.

Claim Objections

3. Claim 1 is objected to because of the following informalities: The last line of claim 1 is missing a period (.). Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah et al. (U.S. 5,636,122).

As per claim 1, Shah et al. discloses a system for managing tow operations information comprising:

- a. an application server including database server means to electronically store data and means to access and transmit data in response to user commands and communication means (col. 5, line 61-col. 6, line 45; col. 7, lines 16-65; Figures 6 and 8; The system utilizes databases to store vehicle dispatch data.);
- b. a computer workstation associated with a tower, the computer workstation including display means, input means, and communication (col. 5, lines 46-60; col. 7, lines 16-23; Figures 6 and 8; The system provides user input and display means for facilitating dispatch requests.);
- c. a computer connection electronically linking the computer workstation to the application server (col. 8, lines 51-65; Figures 6 and 8);
- d. user application means for receiving a dispatch request data (col. 8, lines 51-65; col. 12, lines 37-61; col. 13, lines 4-33; The system utilizes a computer aided dispatch process for fleets of vehicles.);
- e. communications means for sending the dispatch request data to the application server so that the database server may store the dispatch request (col. 8, lines 51-65; col. 12, lines 37-61; col. 13, lines 4-33; col. 14, lines 55-66; The system receives and sends dispatch request data.).

Shah et al. does not expressly disclose that the dispatch requests are tow requests. However, Shah et al. does disclose that the mobile entities can include a variety of vehicles such as hauling trucks (col. 5, lines 23-35). It is old and well known that hauling trucks are used to haul, or tow, cargo. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Shah

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et al. to be used for tow requests because the features provided by the system, specifically the dispatching functions, are necessary to effectively facilitate towing operations as well.

As per claim 2, Shah et al. discloses the system for managing tow operations information as in claim 1 further comprising user application means for inputting sale data, means for associating the sale data with the dispatch request, and storing the sale data on the application server with the dispatch request data (col. 13, lines 19-33; col. 14, lines 16-54; The system manages sale data associated with a dispatch request.).

Shah et al. does not expressly disclose that the sale data is a lien. However, it is old and well known in the towing industry to utilize liens as payment for service. Additionally, Shah et al. discloses managing delinquent payment information (col. 14, lines 16-38). Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Shah et al. to utilize liens when managing delinquent payments since liens are an old and well known method of acquiring payment for a towing service.

As per claim 3, Shah et al. discloses the system for managing tow operations information as in claim 1 wherein the application means for receiving tow request data includes means for electronically receiving tow request data from a tow customer computer workstation utilizing the communications means (col. 18, lines 54-67; col. 19, lines 1-8; The system can receive dispatch request data from customers online to the computer aided dispatch system.).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Nathanson et al. (U.S. 5,122,959) discusses a transportation dispatch system;
- Kluss (U.S. 6,463,419) discusses an internet system for organizing vessel transport information;
- Petite (U.S. 6,233,327) discusses a transceiver used for dispatching; and
- Nojima (U.S. 5,933,080) discusses an emergency calling system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 703-605-4251. The examiner can normally be reached Monday – Thursday from 8:30am to 5:30pm and every other Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

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703-305-7687 [Official Communications; including After Final
communications labeled "Box AF"]

703-746-7202 [For status inquiries, draft communication, labeled
"Proposed" or "Draft"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA 7th floor receptionist.


cmc

May 6, 2004


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600